

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO.636 OF 2004
IN
NOTICE OF MOTION NO.1485 OF 2002
IN
SUIT NO.1861 OF 2002

Raishi S. Chheda & Ors. Appellants

V/s.

Dhirajlal R. Chheda & Ors. Respondents

Mr.Shailesh Shah i/b Mr. G.S. Shukla for the
Appellants.

Mr.G.S. Bhatt for the Respondents.

CORAM : A.P. SHAH AND
S.J. VAZIFDAR, JJ.
DATED : 28TH MARCH, 2005.

P.C. :

. Heard the learned counsel for the parties.

2. We have also gone through the records including the order of the learned single Judge. We are not inclined to interfere with the order of the learned single Judge save and except on two aspects. First in view of the controversy between the parties, we are inclined to direct that Respondent No.1 cannot create any third party rights in respect of the suit

properties. Secondly, under the family arrangement on which Respondent No.1 is placing reliance, he is liable to pay Rs.10,269=76 ps. per month to Appellant No.1. As far as the first aspect is concerned, the learned counsel for Respondent No.1 states that he has no objection if ad-interim order dated 17.1.2005 is continued pending the hearing and final disposal of the suit. Respondent No.1 who is present in Court agrees to pay to the father i.e. Appellant an amount of Rs.10,269=76 ps. per month with effect from May, 2002. He agrees to pay the arrears within a period of 12 weeks from today and continue to make the monthly payment on or before 15th day of every month. The order of the learned single Judge to stand modified to the above extent.

3. Appeal is disposed of.